

FAY LAW GROUP, P.A.

6205 EXECUTIVE BOULEVARD
ROCKVILLE, MD 20852
TELEPHONE: 202-589-1300
FACSIMILE: 202-216-0298

August 5, 2022

Ruby J. Krajick
Clerk of Court
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *Raynard Hamilton, et al., v. Islamic Rep. of Iran*, 20-cv-10366
Request for Service of Personal Injury Judgment via Diplomatic Channels
pursuant to the Foreign Sovereign Immunities Act

Dear Ms. Krajick:

In connection with the above-captioned case, I write to request your assistance in mailing the enclosed documents to Defendant the Islamic Republic of Iran via the U.S. State Department in accordance with 28 U.S.C. § 1608(a)(4). The address of the Defendant is:

Islamic Republic of Iran
Ministry of Foreign Affairs
Imam Khomeini Avenue
United Nations Street
Tehran, Iran

Service on the Defendant cannot be effected under 28 U.S.C. §§1608(a)(1) and (2) because the United States and Iran do not have any special arrangement for service of process upon Iran in accordance with subsection (1), nor is service permitted by an applicable international convention under the provisions of subsection (2).¹ See *Valore v. Islamic Republic of Iran*, 700 F. Supp. 2d 52, 70 (D.D.C. 2010). As you are aware, service by mail pursuant to 28 U.S.C.

¹ Iran is not a signatory to the convention of the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

§1608(a)(3) cannot be effected as demonstrated by the fact that service of original process by mail in the initial phase of the action was not effective and such futile efforts need not be repeated here.

On September 1, 2021, Plaintiffs served the complaint on Defendant Islamic Republic of Iran pursuant to 28 U.S.C. §1608(a)(4). Defendant failed to file an answer or responsive pleading within 60 days from the date that service was completed and the Court entered a Default Judgment as to Liability against Defendant on July 19, 2022. ECF No. 46. Partial Final Default Judgments for Damages were entered for the wrongful death/solatum plaintiffs on July 28, 2022 ECF No. 57, and for the personal injury plaintiff on August 2, 2022. ECF No. 64.

On August 1, 2022, Plaintiffs requested the Court's assistance to carry out the service of the default judgment and partial final default judgments for wrongful death/solatum damages. *See* Certificate of Service of Judgments filed by counsel Amanda Fox Perry, ECF No. 62. On August 3, 2022, the Clerk docketed its Certificate of Mailing of the judgments via diplomatic service. ECF No. 65.

Plaintiffs' Counsel now requests the Court's assistance to carry out service of the Court's August 2, 2022, personal injury judgment entered for Plaintiff Raynard Hamilton, together with Farsi translations, upon Defendants in accordance with the provisions of 28 U.S.C. § 1608(a)(4) by service through diplomatic channels.

Pursuant to 28 U.S.C. § 1608(a)(4), we have enclosed two copies of the following for **Defendant Islamic Republic of Iran:**

- (1) Notice of Judgments Pursuant to 22 CFR 93.2, in English and Farsi,
- (2) Order of Partial Final Judgment for Personal Injury Damages, in English and Farsi,
- (3) 28 U.S.C. §§ 1330, 1391(f), 1441(d), and 1602-1611 of title 28, United States Code, and the Foreign Sovereign Immunities Act (28 U.S.C. 1602, et seq.), in English and Farsi,
- (4) Affidavits of Translation²
- (7) a cashier's check in the amount of \$2,275.00, made out to the U.S. Department of State.

Please take the necessary steps to dispatch these materials to effect service on Defendants

² The affidavits of the translators comport with the requirements of NY CPLR 2101(b). Please note that there are two different translators. Ghada Attieh translated the Notice of Judgments Pursuant to 22 CFR 93.2, the July 19, 2022 Order of Default Judgment for Liability, the July 28, 2022 Order of Partial Final Judgment for solatium damages, the August 1, 2022 Order of Partial Judgment, the August 1, 2022 Clerk's Judgment, and the Notice of Right to Appeal/Instructions for Appealing Judgment. Al Eslami previously translated the Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1330, 1391(f), 1441(d), and 1602-1611 ("FSIA"). To avoid duplicating translations, we have appended Al Eslami's Affidavit of Translation in addition to Ghada Attieh's Affidavit of Translation; however, the former only applies to the FSIA translation enclosed here.

in accordance with the provisions of 28 U.S.C. § 1608(a)(4) by service through diplomatic channels. Please use the following address when dispatching the above documents to the Director of Special Consular Services:

U.S. Department of State
Attn: FSIA, Legal
CA/OCS/L, SA-17, 10th Floor
2201 C Street N.W.
Washington, DC 20522-1710

In total, we are providing four complete sets of the documents. In accordance with the Court's Foreign Mailing Instructions we are providing two sets for the Defendant, as well as two copies for the Court's file.

We have enclosed a pre-paid FedEx label and envelope made out to the address above. Should the Court need it, our FedEx account number is 44851146.

I appreciate your assistance in this matter. If you require any additional information, I can be reached on my cell phone at (216) 965-5143 or by email at Amanda.Perry@faylawgroup.com. Thank you for your assistance.

Sincerely,

/s/ Amanda Fox Perry

Amanda Fox Perry (*pro hac vice*)
Fay Law Group, PA
6205 Executive Blvd
Rockville, MD 20852
(202) 589-1300
Fax: (202) 216-0298
Amanda.perry@faylawgroup.com

Attorney for Plaintiffs

Enclosures as stated